

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11868 of 2016

Arising Out of PS.Case No. -299 Year- 2014 Thana -NANHPUR District- SITAMARHI

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Jini Lal Sah S/o Dukha Sah, resident of Village- Medanipur, PS Nanpur
Distt Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
Mr.Mahendra Thakur, Advocate

For the Opposite Party/s : Mr. Sanjay Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 18-03-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 308 and some other bailable offences under the Indian Penal Code.

The learned counsel appearing on behalf of the petitioner submits that on close of investigation, chargesheet was submitted against the petitioner for only bailable offences, but the learned Chief Judicial Magistrate has disagreed with the police report and has taken cognizance, besides other bailable offences, for offence under Section 308 of the Indian Penal Code also, which is non-bailable.

The learned Addl.P.P. appearing on behalf of the State has not disputed the aforesaid submissions.

In above view of the matter, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail.

In the event of arrest or surrender in the court below within a period of four weeks from today, let the above named

petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sitamarhi in connection with Nanpur P.S.Case No. 299 of 2014. subject to conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

(A) one of the bailors must be government servant or close family member of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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